From the Debates of the Constitutional Convention.

SPEECH

OF

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Of Somerset County,

DELIVERED IN THE CONSTITUTIONAL CONVENTION OF MARYLAND,

At Annapolis, June 14, 1864.

Mr. JONES, (of Somerset.) The brief article which is under consideration by this Convention, I desire to read, with a view of recalling the attention of the Convention to the question which is really before us, because it is to that only that I propose to address my remarks. The article reads thus:

ART. 4. The Constitution of the United States and the laws made in pursuance thereof being the supreme law of the land, every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and is not bound by any law or ordinance of this State in contravention or subversion thereof.

If I mistake not, the real question which is before the Convention is on the motion to strike out "paramount" before "allegiance," in the fourth line. The article commences with a quotation, as I suppose it was meant to be, of a clause in the Constitution of the United States, which clause is in these words:

"This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

I not only subscribe to everything stated in that article, that "the judges in every State shall be bound thereby," but I subscribe to an extension of that language, and say that every citizen of every State of this Union shall be bound thereby. I have no objection to incorporating such a declaration, if it shall be the pleasure of the Convention, in our Bill of Rights, although I do not think this is the place for it, and although I find no precedent of its incorporation in any Bill of Rights or Constitution of any State. I recognize the truth of that declaration in its full effect, in its full obligation upon the conscience and the good faith of every citizen of the land.

But the learned Committee that reported it will permit me to take exception to the logic which attemps to draw from that clause the doctrine which is here incorporated, that every citizen of this State owes paramount allegiance to the Constitution and Government of the United States.

My objection to that article in the first place is, that nowhere have I found the doctrine taught that allegiance is due to the Constitution or the law, or the Government, if it is taken in its technical sense. If it is to be enlarged to its meaning in European governments, it is not to the law, or to the Constitution or Govern-

ment, but to the Sovereign, that the tie of allegiance binds the obedience of the subject. If it is to be taken in the sense of obedience, for that I apprehend is principally the sense in which it is used in our State Constitutions, and in ordinary language here, then I say that paramount allegiance is not due to the Constitution or to the laws, but to the people. Paramount obedience is due to the makers of the Constitutions and the laws. Therefore it is that Constitutions and laws pass away and are changed. It is to the authority over Constitutions and laws, to the people, that paramount obedience is due, if it be due anywhere. Therefore it is that I object to the phrase which is attempted to be incorporated here, that supreme allegiance is due either to the Constitution or to the Government; for it is the paramount authority of the people over Constitutions and over Governments. which claims the obedience of every citizen.

I have taken occasion to look into this question, and see if any precedent has been set in any instance in the Bill of Rights of any State from 1776 down to the present time. My worthy friend from Anne Arundel, (Mr. Miller,) alluded to the same thing, and said that in most of the States the oath was to support the Constitution of the United States. I have made a tabular view, showing the oaths prescribed in the several State Constitutions.

OATHS.

No oath of office is prescribed by the Constitutions of Pennsylvania, Virginia, North Carolina, Ohio, Missouri, Arkansas, Wisconsin—7 States.

The oath prescribed in the Constitutions of the following States is "to support the Constitution of the United States and of the State," viz: Maine, Connecticut. New York, New Jersey, Tennessee, Indianna, Louisianna, Mississippi, Alabama, Michigan, Iowa, California, Minnesota, Oregon, and Kansas—15 States.

The oath prescribed in the Constitutions of the following States is "to preserve, protect and defend the Constitution of this State and of the United States," viz: South Carolina, Illinois and Florida—3 States.

The Constitutions of Vermont, Rhode Island and Kentucky prescribe an oath "to be true and faithful" to the State—and Rhode Island and Kentucky adds: and to support the Constitution of the United States—3 States.

In Texas the oath is "to discharge the duties of the office agreeably to the Constitution and laws of the United States and of this State—1 State.

The Constitutions of the States of Massachusetts, New Hampshire, Maryland and Georgia prescribe an oath of "*allegiance*" to the State—Maryland adds in the beginning of the oath, "that I will support the Constitution of the United States—4 States.

Oath in Constitution of Maryland, 1776.

Article 55.

"I, A. B., do swear that I do not hold myself bound in allegiance to the King of Great Britain, and that I will be faithful and bear true allegiance to the State of Maryland."

Oath in the Constitution of Maryland, 1850.

"That I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and laws thereof."

There are then only four States which require an oath of allegiance, which I have stated to be synonymous with obedience; and in those States it is allegiance to the State, meaning the people of the State that have the ruling power. The phrase is used in the Constitution of Maryland in 1776—and no doubt the framers of that Constitution in separating from Great Britain and dissolving the tie of allegiance they had acknowledged to George III, deemed it necessary that there should be a supreme authority to which allegiance should be due—and they substituted the State of Maryland for George III in the oath of allegiance. And although the Convention of 1850, composed of able men, retained that phrase, they retained it in the form in which it was adopted in 1776, of allegiance *to the State of Maryland* and *not to the Constitution and laws of Maryland.*

With reference to this whole subject, to show that the term allegiance is inapplicable to our system of government, I beg leave to read a synopsis of the doctrine as contained in the argument of three eminent counsel, Ingersoll, Dallas and Du Ponceau, in 3 Dallas—Talbot *vs.* Jansen.

"With this law, however, human institutions have often been at variance; and no institutions more than the *feudal system*, which made the tyranny of arms the basis of society; chained men to the soil on which they were born; and converted the bulk of mankind into the villeins or slaves of a lord or superior. From the *feudal system* sprung the law of *allegiance;* which pursuing the nature of its origin, rests on *lands;* for when lands were *all* held of the crown, then the oath of allegiance became appropriate: It was the tenure of the tenant or vassal. [Black. Com. 366.] The oath of *fealty* and the ancient oath of allegiance was almost the same; both resting on lands; both designating the person to whom service should be rendered; though the one makes an exception as to the superior lord, while the other is an obligation of fidelity against all men. [2 Black. Com. 53, Pal. 140.] *Service*, therefore, was also an inseparable concomitant of *fealty*, as well as of *allegiance.* The oath of fealty could not be violated without loss of lands; and as all lands were held mediately or immediately of the sovereign, a violation of the oath of allegiance was in fact a voluntary submission to a state of outlawry. Hence arose the doctrine of perpetual and universal allegiance. When, however, the light of reason was shed upon the human mind the intercourse of men became more general and more liberal; the *military* was gradually changed to *commercial* state; and the laws were found a better protection for persons and property than arms. But even while the practical administration of government was thus reformed, some portion of the ancient theory was preserved; and among other things, the doctrine of perpetual allegiance remained with the fictitious tenure of all lands from the Crown to support it. Yet, it is to be remembered, that whether in its *real origin* or in its artificial state, *allegiance* as well as fealty rests upon *lands*, and it is due to persons. Not so with respect to *citizenship* which has arisen from the dissolution of the feudal system; and is a substitute for allegiance, corresponding with the new order of things. Allegiance and citizenship differ indeed in almost every characteristic. Citizenship is the effect of compact: allegiance is the offspring of power and necessity. Citizenship is a political tie; allegiance is a territorial tenure. Citizenship is the charter of equality; allegiance is a badge of inferiority. Citizenship is constitutional; allegiance is personal. Citizenship is freedom; allegiance is servitude. Citizenship is communicable; allegiance is repulsive. Citizenship may be relinquished; allegiance is perpetual.

With such essential differences, the doctrine of allegiance is inapplicable to a system of citizenship, which it can neither serve to control nor to elucidate."

One would suppose that if there was any place in which this doctrine of allegiance could be found, if it was in accordance with the intent of the framers of the Constitution of the United States, it would be in the Constitution itself.

Is there any requisition in any oath of office, that any officer shall bear allegiance to the Government of the United States or to the people of the United States? for that would be more appropriate. If allegiance is due at all to any party except the individual State of which the party is a citizen, it is due to the whole people of the United States, upon the very doctrine and authority which the gentleman insisted upon, that the Constitution originates in the will of the people of the whole United States, as one homogeneous mass, and not of the people of the several States. If that doctrine be true, then allegiance or obedience being due to the paramount authority, it is due to the people of the United States. Look at the requisitions which are made in the Constitution of the United States. What is the oath which the President is required to make? It is to preserve, protect and defend the Constitution of the United States. What is the oath that is required of all civil and judicial officers of the several States, to secure fidelity from them to the supreme law of the land? It is that they will support the Constitution of the United States. That is what the framers of the Constitution deemed to be the extent of the obligation, as they made it the solemn form of the oath, to support the Constitution of the United States. There is therefore nothing in the Constitution of the United States to justify the idea contended for in this article. There is no claim in the Constitution to paramount allegiance.

I most respectfully submit to any gentleman who has read the debates in the Convention that framed the Constitution of the United States, or who has read the debates in the several Conventions of the States that considered and adopted the Federal Constitution, if anywhere, from the first page to the last, he can find any countenance for this proposition that paramount allegiance is due to the Federal Government. I go further, and call to your minds the jealousy that existed within the States with regard to delegating many of the powers that were proposed to be delegated to the Constitution of the United States. Look through the debates from the beginning to the end, and see what difficulty the framers of that Constitution would have had to encounter in getting it adopted, if such a proposition had been incorporated in it. Is there a man who believes that there is a solitary State which would have adopted it with such a provision in it? Not one, judging from the debates which were contemporaneous with the Constitution.

It is possible in the nature of things, looking at the powers of the Government of the United States, and looking at the powers of the government of the several States, that any such idea can be entertained? Where is the mass of the powers of government delegated by the people to their agents? Is it in the Federal Government? The powers of the Federal Government are few and specific, and mainly external, relating to our intercourse with foreign nations. Look at the mass of powers delegated by the people to their State governments.

The idea, as laid down in that authority, in Dallas, is that allegiance is due, and is connected with the idea of ownership and jurisdiction over land. If this right of eminent domain is to be the criterion of allegiance, where does it exist? Has the Federal Government, from the time of its foundation down to the time of these unfortunate difficulties that are now upon us, ever claimed the right

of going into a solitary State of the confederacy, to appropriate one foot of land for any purpose whatever by an act of Congress without the assent of that State previously had and obtained? Was any such right delegated to the Federal Government? That is a test to show what was the idea of the framers of the Constitution. If this government is paramount, if the citizen owes paramount allegiance to it, then it has paramount jurisdiction over the soil on which he lives. Is any such idea contained in the Constitution of the United States? It was known that the Federal Government must have dock-yards, navy-yards, forts, lighthouses, to carry out its powers of regulating commerce. This was known, contemplated, and provided for. But was that Government vested with authority to go where it pleased, and appropriate land for a dock-yard, or to build a fort, or a lighthouse, or any other needful building, without the assent of the States? By no manner of means. The Constitution did not leave the subject in doubt; but among the enumerated powers of Congress is this:

"To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings."

The Constitution not only gives authority to purchase with the consent of the States, but they specially hedge it round that they shall not *purchase* within their limits and become the holder of enough land to build a lighthouse, or a dock-yard, or even a fort for the protection of the country, without the assent of the State Legislature first had and obtained.

This doctrine is fully recognized in the case before the Supreme Court of the United States involving the grant of land in Alabama. 3 Howard, 212. The Supreme Court expressly say that Alabama, over all her rivers, and bays and harbors, and on every foot of soil within her boundaries, had eminent domain which was supreme; and the Federal Government could not grant one foot of it, or enter upon it for any purpose, without the assent of the State Legislature first had and obtained; that although not one of the original thirteen, but formed out of the public lands, yet when admitted she was admitted with equal rights with the old thirteen States, who had the right of saying how far the Federal Government should enter upon their territory; and therefore within her territory not a foot of land could be occupied without her consent.

They go further and say that not only has the Federal Government no such municipal jurisdiction, but has not the constitutional capacity to exercise it, except in the cases where it is expressly granted. It has not the right of eminent domain anywhere. Even the public lands are held in trust, for the purpose of forming new States out of them. It has no right to appropriate them except in the way the trust requires, for the purpose of settlement to form new States to be admitted upon an equality with the old States.

The right of eminent domain, upon which depends the right to appropriate to public purposes all the property within the State, belongs to the State, and not to the United States. The Government of the United States has the right of taxation, which the Constitution prescribes, and which is concurrent with the State governments. But it has no right of eminent domain, no right to appropriate pri-

vate property to the public use in any mode except by taxation. The State may do it, because the State power is paramount. The State may do it, because the State is sovereign, and has never stripped herself of the power which belongs to her as a sovereign State.

You tell me that I owe paramount allegiance to a Government that in time of peace can afford me at my home no sort of protection, not even for the enjoyment of life, liberty and property; that has not an organization, a court, or an officer to whom I can appeal for protection when my rights are invaded. Where have the citizens of Maryland from 1776 down to 1860—for I do not intend to allude to the unfortunate difficulties that have occurred since that period, any more than may be absolutely necessary, as I do not look upon the exciting topics which have been touched upon by other gentlemen as growing out of this subject, or as appropriate to this discussion—where have they looked for protection to life, liberty and property? If I were the owner of ships engaged in commerce upon the high seas, and my rights had been invaded by foreign nations, I should look to the Federal Government for protection; and why? Because that Government has been instituted by the authority of the sovereign State of Maryland, and has had powers delegated to it by Maryland and other States, for these external purposes, to demand redress of foreign nations, and protect me in the enjoyment of my rights as a citizen. I am taxed to support that Government; and it owes me protection because of the delegated powers which the State of which I am a citizen has given to it.

Gentlemen talk about restrictions being placed upon the States. Who placed the restrictions upon the States? Will any gentleman tell me that any authority outside of the State has placed restrictions upon the State of Maryland? She put the restrictions upon herself, in adopting the Constitution of the United States, freely and voluntarily, by the vote of the people. She never acknowledged the right of any other power, since she separated from King George, to bind her in the least, beyond what the sovereign people of the State have agreed upon and plighted their faith to uphold. There is no tie, no bond, no sanction, that requires any obedience on the part of the citizens of the States to any other government, except what has been conceded and agreed to by the people of the States in their adoption of the Constitution of the United States.

We have a State Government clothed with full authority to afford protection to life, liberty and property. We have an executive; we have a judiciary extended throughout the State; we have civil officers, sheriffs, and all that are necessary for a perfect government, with full powers delegated to it by the people. It was to that government and to those officers, that during the period to which I have alluded, prior to 1860, the citizen looked for protection. If their lives had been assailed, the law of the State of Maryland was vindicated by the punishment of the offender. If property was invaded, they looked to the jurisdiction of the State of Maryland to put them in possession of it. If real property, or personal property, or personal reputation, were invaded, they looked to the State government to protect them. The Federal Government was powerless to do it. In all those home privileges involving, life, liberty and property, they looked to the State government. It was only in the case of a ship upon the ocean, and for protection abroad, that the Federal Government afforded the slightest protection to the citizen of Maryland since the formation of the Constitution.

When a citizen thus lives under the protection of his own State, does he not

owe allegiance to that State? Can it not command him, and all that is his, whenever the public exigencies require it?

Mr. SANDS. If the gentleman will permit me, I will ask him this question. Does he agree to the statement that the slave property of the State of Maryland was worth fifty millions of dollars? To whom did you look for the protection of that species of property, to the State or Federal Government, in case it took wings and flew beyond the limits of the State? Who returned it, the State or the Federal Government?

Mr. JONES, of Somerset. For any invasion of the right to that or any other species of property within the State, we looked to the State government for protection and for redress. When that property escaped and went into the free States, we looked to the Federal Government, under the sanction of the Constitution that Maryland herself had adopted, and looked to the good faith of the North plighted to her that it should be restored.

Mr. SANDS. That is, you looked to the General Government.

Mr. JONES, of Somerset. And whether the North has kept the faith she plighted, I submit to the gentleman.

Mr. SANDS. As the question is submitted to me, I will say—

Mr. JONES, of Somerset. There will be another occasion for comparing notes with the gentleman upon that subject, as I do not propose to touch upon it now. It is in a different article of the Constitution, and when that comes up we will talk about it.

Mr. SANDS. Very well, sir.

Mr. JONES, of Somerset, resumed: My colleague (Mr. Dennis) this morning gave the history and assigned the true reason why the States were not named in the Constitution. It was uncertain what States would adopt it.

But I intended to give the reason for the incorporation into the Constitution of this provision, that "this Constitution and all laws which shall be made in pursuance thereof, and all treaties made or which shall be made by the authority of the United States, shall be the supreme law of the land." Before the adoption of the Constitution of the United States, the States had Constitutions and laws conflicting with the powers that were delegated to the United States Government. There was no power under the old confederation to punish treason against the United States. That power was in the State governments. The State governments had laws punishing treason against the United States and against the old States. I think Pennsylvania had three sorts of treason in her laws; and no doubt other States were similarly circumstanced. When the Constitution of the United States was formed, and it was deemed expedient to define the crime of treason against the United States Government, and give the punishment of it to Congress, was it not perfectly manifest that in this case, as in all other cases where the laws of the State governments conflicted with the powers delegated to the Government of the United States, the laws of the State governments must necessarily give way? It was necessary that the different States should modify their own laws to make them conform to the Constitution of the United States. One single clause covered the whole matter. They agreed that the Constitution, and the laws and treaties made in pursuance thereof, should be the supreme law of the land, because there could be no other way to attain this object. The power of the people to make these laws in the several States had never been doubted. These

Conventions which adopted the Constitution of the United States were above the State Governments, and had the right to say that all these laws that had previously existed as State laws on these subjects, and all the provisions relating to them in the State Constitutions, should be abrogated, so far as they might conflict with the powers delegated by the Constitution of the United States to another department of the Government.

That was the reason that clause was adopted, to prevent any conflict. When it was so adopted, there was but one law. There are not two laws; not a paramount law and a subordinate law. There can be but one law. The Constitution and the laws made in pursuance thereof are *the* law, and *the only* law. There cannot be anything in the laws or constitutions of the States to conflict with this law; for if there were, by the very terms of the Constitutions, it would be a nullity, and must be pronounced null and void.

I therefore submit to gentlemen upon the other side, that I have not heard, from the beginning of the debate to the present time, one solitary authority, one solitary saying of any statesman, of any commentator upon the Cosntitution, or of any individual who has been known as deserving of consideration for his legal opinions of constitutional law in this country, for the doctrine that is now attempted to be incorporated in the bill of rights. If there has been any such authority, if there has been any such suggestion from any source, I most respectfully submit that I have not heard one syllable of it in this debate, and I should be glad to have it pointed out. I therefore submit, in the absence of any such authority, and in view of the opinions to which I have invited the attention of the Convention, the word "allegiance" is to be used as synonymous with "obedience," and it is due to the people of the several States, as sovereign communities, and that support, defence, protection and obedience is due to the laws and Constitution of the United States, and the treaties of the United States, according to the provisions of the clause which I have quoted; and there is no conflict, and can be no conflict, provided the several departments, the several servants of the people, obey the charter of their rights and powers, and do not come unnecessarily into collision. The books speak of temporary allegiance and permanent allegiance, but not of paramount allegiance and subordinate allegiance. I do not understand that it is due, except to the highest sovereign power. There can be in one community but one sovereign power. There cannot be two. It does not at all detract from the power, the dignity, the efficiency, or the usefulness of the Government of the United States, that it is a limited power, that it is an agent of the several sovereign States, in all the magnitude and magnificence of its foreign and external powers delegated to it, and of its domestic powers which are also delegated to it. It exists, because brought into being by the people of the several States. The Constitution of the United States sustains and furnishes it with the powers it exercises, because the people of the States so will it.

Therefore the Government of the United States is perfectly secure in the affections and obedience of the people of the several States, so long as the Government of the United States keeps within the powers delegated to it, and so long as it affords the people the protection which that government, in its formation, was designed to afford. This idea of paramount authority and paramount allegiance has received no sanction from any statesman. On the contrary, it is expressly negatived by statesmen of both schools, for it is well known that there were two

schools, two political opinions, of State and Federal powers, before the Constitution was formed. Even in the first Congress that framed the articles of confederation, during the whole period of the existence of that confederation, during the period of consultation in the Convention that framed the Constitution, during the period of the Conventions which adopted the Constitution, and from that time to the present, there have been two parties, one holding to the paramount necessity of strengthening the arm of the Federal Government, and the other insisting upon the necessity of maintaining the rights of the States unimpaired, and in full vigor, as essential to the preservation of liberty. These are the parties that have existed, and have come down to us, and we are divided upon precisely the same principle. From their different standpoints, men in all parts of the country have looked at the question; one party looking at the jealousy of the States and thinking it necessary to strengthen the arm of the Federal Government, and the other looking at the danger of consolidation and tyranny, and thinking it necessary to protect the States against the action of the Federal Government. It is the point upon which the parties have been divided, and upon which they are divided still.

Looking at this question, I maintain that it is a very great error to suppose that there are two governments here. The people of Maryland have but one government. The State government is its domestic government, for its domestic affairs. The government at Washington is as much its government as the home government. It is its agent, not exclusively I admit, but it is just as much its government, as though its own powers as a sovereign were not distributed to the two departments. The fact that it is the agent also of many other sovereign States, does not at all impair its power, or its authority, or its identity as a part of our government. The powers it exercises over Maryland are by the consent of the people of Maryland. The powers it exercises over the people of any other State are by the consent of the people of that State. There is really but one government. They are different departments of the same government. When this idea takes possession of the mind, and is run out to its logical consequences, gentlemen will see how easy it is to confound the idea of paramount and subordinate allegiance, by losing sight of the great fact that there is really but one, and that is the government of the people of the State in which the parties live. I know Mr. Webster held the doctrine that there are two governments, instead of two departments of the same government. Mr. Jefferson puts the matter in its true light in this extract:

"With respect to our State and Federal Governments, I do not think their relations are correctly understood by foreigners. They suppose the former *subordinate* to the latter. This is not the case. They are *co-ordinate departments of one simple and integral whole.* But, you may ask, if the two departments should claim each the same subject of power, where is the umpire to decide between them? In cases of little urgency or importance, the prudence of both parties will keep them aloof from the questionable ground; but if it can neither be *avoided* nor *compromised,* a Convention of the States must be called to ascribe the doubtful power to that department which they may think best."

And even Mr. Webster in his great speech, in 1830, in reply to Mr. Hayne, said:

"The people of the United States have declared that this Constitution shall be the supreme law. We must either admit the proposition or dispute their authority.

The States are unquestionably sovereign, so far as their sovereignty is not affected by this supreme law. But the State Legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the people have given power to the General Government, so far the grant is unquestionably good, and the government holds of the people and not of the State governments. We are all agents of the same supreme power—the people. The General Government and the State governments derive their authority from the same source. *Neither can, in relation to the other, be called primary,* though one is definite and restricted, and the other general and residuary."

There is the authority of Mr. Webster, the leader of a school of those who are for giving to the Federal Government every power that by any fair and legitimate construction can possibly be claimed for it. Mr. Webster did not claim any right of *paramount* allegiance to the General Government from the people of the States. He admitted that "neither can, in relation to the other, be called primary," or paramount. The government at Washington is but the agent of the people of the several States; and it is perfectly immaterial whether you say it was ordained by the States, or by the people of the States. Mr. Madison has shown that when the word "States," is used in reference to the formation of the Constitution of the United States, it means the people of the States. What else constitutes a State? I give the definition of a Greek, beautifully paraphrased by a British poet:

"What constitutes a State?
Not high raised battlement, nor labored mound,
Thick wall, nor moated gate,
Not cities fair, with spires and turrets crown'd;
Not bays and broad-armed ports,
Where, laughing at the storm, rich navies ride!
Not starred and spangled courts,
Where low-bowed baseness wafts perfume to pride!
No! men! high-minded men!
Men who their duties know;
But know their rights, and knowing dare maintain;
Prevent the long-aimed blow,
And crush the tyrant when they burst the chain—
These constitute a State."

My learned friend from Anne Arundle (Mr. Miller) read a paragraph from Mr. Seward's despatch to Mr. Adams, dated April 10th, 1861, in which Mr. Seward professes to speak the sentiments of the President, and I have no doubt he did, and I trust the President maintains them yet; and therefore they ought to be agreeable to the majority of the Convention, for their party have nominated him for re-election, and I hold that they are committed to sustain the President and the Secretary of State and the views they here entertain. Here is the remedy that was contemplated by the President on April 10, 1861:

"The so-called Confederate States, therefore, in the opinion of the President, are attempting what will prove a physical impossibility. Necessarily they build the structure of their new government upon the same principle by which they seek to destroy the Union, namely the right of each individual member of the Cofederacy to withdraw from it at pleasure and in peace. A government thus constituted, could neither attain the consolidation necessary for stability, nor guaranty any engagements it might make with creditors or other nations. The movement, therefore, in the opinion of the President, tends directly to anarchy in the seceded States, as similar movements in similar circumstances have already

resulted in Spanish America, and especially in Mexico. He believes, nevertheless, that the citizens of those States as well as the citizens of the other States, are too intelligent, considerate and wise to follow the leaders to that disastrous end. For these reasons he would not be disposed to reject a cardinal dogma of theirs, namely, *that the Federal Government could not reduce the seceding States to obedience by conquest, even although he were disposed to question that proposition. But, in fact, the President willingly accepts it as true. Only an imperial or despotic government could subjugate thoroughly disaffected and insurrectionary members of the State. This federal republican system of ours is, of all forms of government, the very one which is most unfitted for such a labor.* Happily, however, this is only an imaginary defect. The system has within itself adequate, peaceful, conservative and recuperative forces. Firmness on the part of the government in maintaining and preserving the public institutions and property, and in executing the laws where authority can be exercised without waging war, combined with such measures of justice, moderation and forbearance as will disarm reasoning opposition, will be sufficient to secure the public safety until returning reflection, concurring with the fearful experience of social evils, the inevitable fruits of faction, shall bring the recusant members cheerfully back into the family, which, after all, must prove their best and happiest, as it undeniably is their most natural home. The Constitution of the United States provides for that return by authorizing Congress on application to be made by a certain majority of the States, to assemble a National Convention, in which the organic law can, if it be needful, be revised, so as to remove all real obstacles to a reunion so suitable to the habits of the people and so eminently conducive to the common safety and welfare."

That was the position taken by the Administration, April 10, 1861. I believe there has been no additional power conferred upon the Federal Government since that time, either by a convention of the States, or by amendments submitted to the States or ratified by three-fourths of them through their State Legislatures. I might quote the authority of the same despatch, as the gentleman from Anne Arundle (Mr. Miller) did yesterday, to show that Mr. Seward spoke of allegiance due to the State and Federal Government, but claimed no *paramount* allegiance to the Federal Government.

If any gentleman desires to see the distinct and separate character of the colonies distinctly set forth, I will refer him to Rawle on the Constitution, page 18, and to Story on the Constitution, page 163.

"Though the colonies had a common origin and owed a common allegiance, and the inhabitants of each were British subjects, they had no direct political connexion with each other. Each was independent of all the others; each, in a limited sense, was sovereign within its own territory. There was neither alliance nor confederacy between them. The assembly of one province could not make laws for another; nor confer privileges which were to be enjoyed or exercised in another, further than they could be in any independent foreign State."

I will not delay the Convention by any further remarks upon the separate character of the colonies. But I will state the fact that the history of these colonies will show that like their forefathers, they had a tenacity for their local customs and habits, and privileges and rights. This marked the very first contest in Maryland in which they were engaged after they settled in this country, when there were but a handful of them, and each man represented himself in the first General Assembly

held at St. Mary's. The colonies at St. Mary's passed laws which the lord proprietary refused to sanction, claiming that they ought to have originated with him, and the colonists rejected the laws sent over to them, maintaining that they had the right of originating them; and it was a year or two before that matter was settled finally; and finally the lord proprietary had to yield precisely as George III subsequently had to yield upon a similar point. They insisted upon the right to self-government. And from that time, 1632, down to the present time, there has been nothing to strip the colonists of the right that they then asserted. It was not attempted after that controversy with Lord Baltimore. He conceded to them the power of making their own laws, and they were not interfered with again in that way, until the time of the revolution.

I have a word to say upon the subject of the confederation. As every one knows, the State of Maryland was the very last State that assented to the severance of the connexion with Great Britain. The State of Maryland and the other colonies took up arms to maintain their rights under the Government of Great Britain. They thought that by resistance the British Parliament and the British King would come to their senses. North Carolina took the lead in May, 1776, passed a Declaration of Independence and organized a government. Virginia, in June declared its independence and organized a State Government. New Hampshire, as far back as 1775, had organized a State Government.

It is well known that at first Maryland restricted her delegates from uniting with the delegates from the other Colonies in a Declaration of Independence, and it was only a few days before the 4th of July, 1776, that the Convention, then sitting at Annapolis, removed the restrictions, and authorized them to concur with the other United Colonies in declaring the United Colonies *free and independent States*, and in forming such further compact and confederation, &c., &c., as should be adjudged necessary for securing the liberties of America, &c., *provided the sole* and exclusive right of regulating the internal government and police of this Colony be reserved *to the people* thereof."

And on the 6th July, 1776, in a formal "Declaration of the Delegates of Maryland," in Convention at Annapolis, after reciting the causes which impelled them to empower their delegates in Congress, as aforesaid, with the proviso aforesaid, they add: "No ambitious views, no desire of independence induced the people of Maryland to form an union with the other Colonies. To procure an exemption from parliamentary taxation, and to continue to the legislatures of these Colonies the sole and exclusive right of regulating their internal polity, was our original and only motive. To maintain inviolate our liberties and to transmit them unimpaired to posterity, was our duty and first wish; our next, to continue dependent on Great Britain. For the truth of these assertions we appeal to that Almighty Being who is emphatically styled the searcher of hearts, and from whose omniscience nothing is concealed."

(The hour having expired, the hammer fell.)

Mr. SMITH, of Carroll. I hope the same courtesy will be extended to the gentleman from Somerset that has been extended to other members, and I move that he be allowed fifteen minutes more.

The motion was agreed to.

Mr. JONES, of Somerset, proceeded:

I shall not attempt to proceed with the argument. I will read, without comment, the following extracts:

"At the revolution, the sovereignty devolved *on the people,* but they are sovereign without subjects (unless the African slaves among us may be so called,) and have none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty." 2 Dallas' Rep. 419.—*Chief Justice Jay, U. S. Court.*

"Chief Justice Wilson's works, 3 vol., pp. 292, 293:

"The truth is, that in our government, the supreme, absolute, and uncontrolable power remains *in the people.* As our Constitutions are superior to our legislatures, so the people are superior to our Constitutions. Indeed the superiority in this last instance is much greater, for the people possess over our Constitutions control in act, as well as right." * * * "The consequence is, that the people may change the Constitution *whenever* and *however* they please. *This is a right of which no positive institutions can deprive them.*"

"These important truths are far from being merely speculative; we at this moment speak and deliberate under their immediate and benign influence. To the operation of these truths we are to ascribe the scene, hitherto unparalleled, which America now exhibits to the world, a gentle, a peaceful, a voluntary, and a deliberate transition from one Constitution of government to another, (from the Confederation to the Constitution of the United States.) In other parts of the world, the idea of revolution in government is, by a mournful and indissoluble association, connected with the idea of wars, and all the calamities attendant on wars."

"But happy experience teaches us to view such revolutions in a very different light—to consider them as progressive steps in improving the knowledge of government and increasing the happiness of society and mankind."

"Oft have I viewed with silent pleasure and admiration, the force and prevalence through the United States of this principle—that the supreme power resides in the people, and that *they never part* with it. It may be called the *panacea* in politics. If the error be in the legislature, it may be corrected by the Constitution; if in the Constitution, it may be corrected by the people. There is a remedy therefore for every distemper in government, if the people are not wanting to themselves."

Again in Chief Justice Wilson's lectures, 1 vol., p. 21, he says:

"A revolution principle certainly is, and certainly should be, taught *as a principle of the Constitution of the United States,* and of *every State* of the Union. This revolution principle—that the sovereign power residing in the people, they may change their Constitution and government whenever they please—is not a principle of *discord, rancor or war;* it is a principle of *meloriation, contentment,* and *peace.*"

In the Pennsylvania Convention, Mr. Wilson said:

"But in the Constitution the citizens of the United States appear dispensing a part of their original power in what manner and what proportion they think fit. They never part with the whole, *and they retain the right of recalling what they part with.*"

This must of course be understood as affirmed of the people of the several States, in their separate sovereign capacity.

Col. Mason said: "If the government is to be lasting it must be founded in the confidence and affections of the people; and must be so constructed as to obtain these. The *majority* will be governed by their interests. The Southern States

are the *minority* in both Houses. Is it to be expected that they will deliver themselves, bound hand and foot, to the Eastern States, and enable them to exclaim, in the words of Cromwell, on a certain occasion, 'the Lord hath delivered them into our hands?' "—3 *Madison Papers*, 1453.

In 1795 the Supreme Court of the United States decided a case, reported in 3 Dallas, p. 54, (Penhallow *vs.* Doane's administrators,) involving the validity of an act of the New Hampshire legislature, passed 3d July, 1776, erecting a prize court for the trial of captures, &c., and also the powers of the Revolutionary Congress. After enumerating the powers exercised by that Congress, Justice Patterson said:

"These high acts of sovereignty were submitted to, acquiesced in, and approved of, by the people of America." He proceeds to argue that New Hampshire was bound by the acts and proceedings of Congress, and among other reasons, "that she continued to be bound *because she continued in the Confederacy*. As long as she continued to be one of the Federal States, it must have been on equal terms. If she would not submit to the exercise of the act of sovereignty contended for by Congress, and the other States, *she should have withdrawn herself from the Confederacy*."

Justice Iredell, in his opinion of the above case, says: "Two principles appear to me to be clear. 1. That the authority was not possessed by Congress, unless given by all the States. 2. If once given, no State could, by any act of its own, disavow and recall the authority previously given, *without withdrawing from the Confederation*."

Judge Iredell, in this opinion, remarks upon the distinct, separate political character of each of the Colonies, and that they "were not otherwise connected with each other than as being subject to the same common sovereign."

Justice Blair, in the same case, said: "But it was said New Hampshire had a right to revoke any authority she may have consented to give to Congress and that by "her acts of Assembly she did in fact revoke it, if it ever were given. To this a very satisfactory answer was given, if she had such a right, there was but one way of exercising it, that is, by *withdrawing herself from the Confederacy;* while she continued a member, and had representatives in Congress, she was certainly bound by the acts of Congress."

I shall be able to state only the propositions, which I intended to argue and illustrate, if I had the time necessary for that purpose. I intended to show:

That the people of the United States are, under the Constitution, a Confederation of Sovereign States, as contra-distinguished from a consolidated people into one nation without regard to their separate State organization.

That this is shown in the organization of each of the three departments of the Government of the United States.

In the Legislative department, because it consists of two branches, in one of which (the Senate) the States are all equally represented, and no law can pass without a concurrence of the Senate.

In the Executive, because the President and Vice-President are elected by electors chosen by the people of each State, equal in number to the number of its representatives and senators. And if no election by electors, then by the House of Representatives as to President, where each State has one vote, and a *majority of States* must concur in the election; and in the Senate the Vice-President is elected by a majority of the Senate.

In the Judiciary, because the Judges are appointed on the nomination of the President, by and with the advice and consent of the Senate, thus giving a majority of the States control of the appointments.

So also in the mode of amendment.

It requires two-thirds of both Houses *to propose amendments*, and they are not valid till ratified by *three-fourths of the States*, without regard to population. Each State has *agreed*, by the act of ratifying the Constitution, that as to alterations and amendments, she will yield with her co-States, such portion of her reserved powers as in the judgment of three-fourths of her co-States, the interest and safety of all the States may require.

I intended to show further that,

There is no reason why the people of a sovereign State should retain the right, universally admitted, of resuming the powers delegated to their State governments, and of readjusting and redistributing them in a new Constitution, when the old has failed to answer their purposes, which does not apply with equal force for resuming the powers delegated to the Federal Government in the Constitution of the United States whenever, in their deliberate judgment, that compact has been so far and so persistently broken by the co-States, that all hope of other redress has failed, and the liberty and safety of the people of such State, are manifestly endangered. The purposes the people of the States had in view in ordaining the Constitution of the United States were "in order to form a more *perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare and insure the blessings of liberty to ourselves and our posterity.*" The people in all the States were assured that the Constitution would certainly insure all these. Many good and true men doubted and opposed the ratification; many others doubted and were reluctantly persuaded to try "*the experiment,*" (as General Washington called it;) whilst in only the three States of New Jersey, Delaware and Georgia, was the ratification by the State Conventions unanimous. In the States of Pennsylvania, Connecticut, Maryland and South Carolina, it was ratified by large majorities; but in the other six States it was carried by small majorities, and in Massachusetts, New York and Virginia by only a few votes. In fact, the first Convention called in North Carolina in August, 1778, refused to ratify the Constitution, and Rhode Island refused even to call a Convention, in 1778, to consider the question. The eleven States that adopted the Constitution, did, by that act, separately secede from the Articles of Confederation, leaving North Carolina and Rhode Island still united under those articles. The eleven States proceeded to organize the new government, elected their Congress and President, and the new government went into full operation in March and April, 1789. North Carolina and Rhode Island remained out of the new Union, and in the full enjoyment of every right as sovereign States, till North Carolina adopted the new Constitution in November, 1789, and Rhode Island in May, 1790. No one doubted that any State had the unquestioned right to remain permanently in the enjoyment of their separate sovereignty.

Those who are compelled to admit all this, try to evade the force of the fact in construeing the Constitution of the United States, by insisting that the Confederation was a compact between the several *State governments*, but the Constitution of the United States was ordained by the people of the States themselves. Much stress is laid upon this statement. But what *real* difference does it make? The

State governments *represented the people of the States* in authorizing their commissioners to agree to the Articles of Confederation, as fully to all intents and purposes, as the State Conventions did in ratifying the Constitution of the United States. The one was the *general agent* whose authority was fully recognized and acquiesced in, and the other the *special agent* specially appointed for the one particular porpose. * * * * *

In both cases it was the *act of the people* of the several States in their separate sovereign capacity. The *act done*, in each case, was by each of thirteen sovereign States, in entering into a compact with the co-States; and the question is how can it vary the rules of construction of that compact, whether the act was done by general or special agents.

The inquiry is, what powers were delegated in the one case to the confederation, in the other to the Federal Government. On examination of the two instruments, the powers will be found nearly identical. The principal difference will be found in their distribution and mode of exercise. Instead of all the powers being exercised by Congress or an Executive Committee, they were by the Constitution, vested in three departments of government, executive, legislative and judicial, with authority to lay taxes, and execute all the delegated powers directly upon the individual citizen. The reservation of powers not delegated in the second article of the confederation, and in the tenth amendment of the Constitution, is substantially the same. The *implied* obligation that no State could ever secede because the Constitution was a government and therefore *intended* to be perpetual, could not be more binding than the *express* agreement with the confederation that the articles should be inviolably observed by every State; that the Union should be perpetual; and that no alterations should be made in any of the articles, unless agreed to by Congress, and confirmed by the Legislature of every State. Yet within seven years from the time the last State formally agreed to the confederation, twelve States, without Rhode Island, proceeded to form a new government, and eleven of them afterwards seceded from the confederation, against the consent of North Carolina and Rhode Island, and in utter violation of the compact. Their right so to do, when the compact, in the judgment of each, had failed to answer its purpose, was not denied or doubted. As Justice Marshall says, in McCulloh *vs.* Maryland, 4 Wheaton, 316, "Surely the question whether they (the people) may resume and modify the powers granted to government does not remain to be settled in this country."

That was supposed to be settled by the Revolution, and to be inseparable from the idea of self-government by sovereign States.

It is a principle of public law, in grants of franchises by government, that "nothing passes by implication." "The object and end of all government is to promote the happiness and prosperity of the community by which it is established; and it can never be assumed that the government intended to diminish its power of accomplishing the end for which it was created."

8 Peters, 738. 11 Peters, 420.

A fortiori, the right of the people of a sovereign State "to resume and modify the powers granted to government," when the compact is broken and the government utterly fails to secure the safety, happiness and prosperity of the community, cannot be taken away by implication.

The terms "granted," "surrendered," "alienated," and the like, are well calculated to mislead the mind, when they are applied to powers of government.

They are technical terms, belonging to the science of law. They generally imply *irrevocability*, when used in connection with the proper subjects of "grant," "surrender," or "alienation," in matters of private contract. Such terms, though frequently used in writing and speaking upon questions of constitutional construction of the powers of government, must be understood to mean "delegated," which is the appropriate word when applied to powers conferred by a principal upon an *agent*.

Hence, in the 1st section of 1st article of the Constitution of the United States, the phrase "powers herein granted," means powers herein "delegated," as fully explained in the 10th article of amendments, viz:

"The powers not *delegated* to the United States by the Constitution, nor prohibited by it to the *States*, are reserved to the *States* respectively, or to the people."

Here Mr. Jones's time expired, but on expressing a wish to read some extracts from Rawle on the Constitution, on motion of Mr. Daniel, further time was given.

In conclusion, I desire to read some passages from a view of the Constitution of the United States, by Wm. Rawle, LL.D., ch. 32, "of the Permanence of the Union"—on guaranteeing a republican form of government to the States.

This work was first published at Philadelphia, in 1825, and a new edition was published in 1829, in which the author says: "In this edition the principles laid down in the first remain unaltered. The author has seen no reason for any change of them." The author was one of the most eminent lawyers of the Philadelphia bar, and had received the degree of LL.D. when such marked distinction was bestowed only upon pre-eminence. He was for many years United States District Attorney, appointed, it is said, by General Washington. In politics he was always *a high-toned Federalist*. In a time of profound quiet in the politics of the country, this eminent lawyer and jurist, belonging to the political school which had always inculcated the necessity of maintaining the powers of the Federal Government to the full extent that construction would allow, treats the right of State secession, as at that day a universally admitted right, as will be seen from the following passages:

Page 302. "The secession of a State from the Union depends on the will of the people of such State. The people alone, as we have already seen, hold the power to alter their Constitution. The Constitution of the United States is to a certain extent, incorporated into the constitutions of the several States by the act of the people. The State Legislatures have only to perform certain organical operations in respect to it. To withdraw from the Union comes not within the general scope of their delegated authority. There must be an express provision to that effect inserted in the State constitutions. This is not at present the case with any of them, and it would perhaps be impolitic to confide it to them. A matter so momentous ought not to be intrusted to those who would have it in their power to exercise it lightly and precipitately upon sudden dissatisfaction, or causeless jealousy; perhaps against the interests and the wishes of a majority of their constituents.

"But in any manner by which a secession is to take place, nothing is more certain than that the act should be deliberate, clear and unequivocal. The perspicuity and solemnity of the original obligation require correspondent qualities in its

dissolution. The powers of the General Government cannot be defeated or impaired by an ambiguous or implied secession on the part of the State, although a secession may perhaps be conditional. The people of the State may have some reasons to complain in respect to the acts of the General Government, they may in such cases invest some of their own officers with the power of negotiation, and may declare an absolute secession in case of their failure. Still, however, the secession must in such case be distinctly and peremptorily declared to take place on that event, and in such case—as in the case of an unconditional secession—the previous ligament with the Union would be legitimately and fairly destroyed. But in either case the people are the only moving power."

Page 303. "It has been laid down that if all the States, or a majority of them, refuse to elect Senators, the legislative powers of the Union will be suspended." (In a note—"it is with great deference that the author ventures to dissent from this part of the opinion of the learned Chief Justice of the Supreme Court in the case of Cohen *vs.* The State of Virginia, 6 Wheaton, 390.")

"Of the first of these supposed cases there can be no doubt. If one of the necessary branches of legislation is wholly withdrawn, there can be no further legistion; but if a part, although the greater part of either branch, should be withdrawn, it would not affect the power of those who remained. (This is error. If the greater part of the Senate should be withdrawn, there could be no quorum.) In no part of the Constitution is a specific number of States required for a legislative act.* Under the Articles of Confederation, the concurrence of nine States was requisite for many purposes. If five States had withdrawn from that Union, it would have been dissolved. In the present Constitution there is no specification of numbers after the first formation. It was foreseen that there would be a natural tendency to increase the number of States, with the increase of the population then anticipated and now so fully verified. *It was also known, though it was not avowed, that a State might withdraw itself.* The number would therefore be variable."

"In no part of the Constitution is there a reference to any proportion of the States, excepting the two subjects of amendments and of the choice of President and Vice President.

"In the first case, two-thirds or three-fourths of the several States is the language used, and it signifies those proportions of the several States that shall then form the Union.

"In the second, there is a remarkable distinction between the choice of President and Vice President, in the case of an equality of votes for either.

The House of Representatives, *voting by States,* is to select one of the three persons having the highest number, for President. A quorum for this purpose shall consist of a member or members from two thirds of the States, and *a majority of all the States* shall be necessary for the choice.

"The Senate, *not voting by States,* but by their members *individually,* as in all other cases, selects the Vice President from the two persons having the highest number on the list. A quorum for this purpose shall consist of two-thirds of the whole number of Senators, and a majority is sufficient for the choice." * * *
"It seems to be the safest, and is possibly the soundest construction, to consider

* But "a majority of each House shall constitute a quorum to do business."

the quorum as intended to be composed of two-thirds of the then existing Senators."

Rawle, page 305. "As to the remaining States among themselves, there is no opening for a doubt.

"Secessions may reduce the number to the smallest integer admitting combination. They would remain united under the same principles and regulations among themselves that now apply to the whole. For a State cannot be compelled by other States to withdraw from the Union, and therefore if two or more determine to remain united, although all the others desert them, nothing can be discovered in the Constitution to prevent it.

"The consequences of an absolute secession cannot be mistaken, and they would be serious and afflicting.

"The seceding State, whatever might be its relative magnitude, would speedily and distinctly feel the loss of the aid and countenance of the Union. The Union, losing a proportion of the national revenue, would be entitled to demand from it a proportion of the national debt. It would be entitled to treat the inhabitants and the commerce of the separated State, as appertaining to a foreign country. In public treaties already made, whether commercial or political, it could claim no participation, while foreign powers would unwillingly calculate, and slowly transfer to it, any portion of the respect and confidence borne towards the United States.

"Evils more alarming may be readily perceived. The destruction of the common bond would be unavoidably attended with more serious consequences than the mere disunion of the parts.

"Separation would produce jealousies and discords, which in time would ripen into mutual hostilities, and while our country would be weakened by internal war, foreign enemies would be encouraged to invade, with the flattering prospect of subduing, in detail, those whom collectively they would dread to encounter."

Rawle, 306. "Such in ancient times was the fate of Greece, broken into numerous independent republics. Rome, which pursued a contrary policy, and absorbed all her territorial acquisitions in one great body, attained irresistible power.

"But it may be objected that Rome also has fallen. It is true; and such is the history of man. Natural life and political existence alike give way at the appointed measure of time, and the birth, decay and extinction of empires only serve to prove the temerity and illusion of the deepest schemes of the statesman, and the most elaborate theories of the philosopher. Yet it is always our duty to inquire into and establish those plans and forms of civil association most conducive to present happiness and long duration; the rest we must leave to Divine Providence, which has hitherto so graciously smiled on the United States of America.

"We may contemplate a dissolution of the Union in another light, more disinterested but not less dignified, and consider whether we are not only bound to ourselves but to the world in general, anxiously and faithfully to preserve it.

"The first example which has been exhibited of a perfect self-government, successful beyond the warmest hopes of its authors, ought never to be withdrawn while the means of preserving it remain.

"If in other countries, and particularly in Europe, a systematic subversion of

the political rights of man shall gradually overpower all national freedom, and endanger all political happiness, the failure of our example should not be held up as a discouragement to the legitimate opposition of the sufferers; if, on the other hand, an emancipated people should seek a model on which to frame their own structure, our Constitution, as permanent in its duration as it is sound and splendid in its principles, should remain to be their guide.

Rawle, page 307. "In every aspect therefore, which this great subject presents, we feel the deepest impression of a sacred obligation to preserve the Union of our country; we feel our glory, our safety and our happiness involved in it; we unite the interests of those who coldly calculate advantages with those who glow with what is little short of filial affection; and we must resist the attempt of its own citizens to destroy it, with the same feelings that we should avert the dagger of the parricide."

The chapter and work conclude with a quotation from the valedictory address of Washington, urging the preservation and the perpetuation of the Union.

Upon this valedictory address of Washington, it may be remarked that his arguments for Union are addressed to the reason, the affections, and the interest of all the people. He says: "With slight shades of difference, you have the same religion, manners, habits and political principles. You have in a common cause fought and triumphed together; the independence and liberty you possess, are the work of joint counsels and joint efforts, of common dangers, sufferings and successes.

"But these considerations, however powerfully they address themselves to your *sensibility*, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole."

He nowhere suggests that when all these motives fail, an attempt was to be made to preserve the Union by *force of arms!*

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